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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,616	07/11/2000	Robert Baranowski	06662.007	1178
20480	7590	01/04/2005	EXAMINER	
STEVEN L. NICHOLS RADER, FISHMAN & GRAVER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095			LE, VIET Q	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s) 	
	09/613,616		BARANOWSKI, ROBERT	
	Examiner		Art Unit	
	Viet Q. Le		2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The application lacks the application number and the application filing date in the Declaration.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "300" has been used to designate both the access point and the power line in Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: the title of the application shall not appear in the specification.

Appropriate correction is required.

4. The disclosure is objected to because of the following informalities:

There is no figure number on line 12 of page 9 in the application.

There is no "202" in figure 2B as mentioned on page 9 of the application.

There is no "300" and "302" in figure 5 as mentioned on page 12 of the application.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-2, 12-13, 23-27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Joseph J. Kubler et al. (U.S. 6,389,010), hereinafter referred to as Kubler.

Regarding claim 1, 12 and 23, Kubler disclosed a wireless access point for use in a local area network for transmitting data among networked devices (Kubler disclosed a network of access points connected with each others to relay data among each others. See Fig. 49a; See column 75, lines 12-16), the wireless access point comprising: a wireless transceiver for wireless receiving and transmitting a data signal among said networked devices (Kubler disclosed an access point including the LAN transceiver. See fig. 50; see column 78, lines 33-49); and a controller for controlling said transceiver to receive and transmit said data signal among networked devices (See fig. 50, box 5003).

Regarding claim 2 and 13, Kubler disclosed a wireless access point which has no wired connection to a local area network, and communicates with other networked devices of said network solely through said wireless transceiver (Kubler disclosed a wireless network of access points communicating data strictly by wireless communication. See fig. 49a).

Regarding claim 24 and 29, Kubler disclosed a system including a wireless data local-area-network that supports wireless portable devices (Kubler disclosed a network of access points connected to network devices to relay data among each others. See Fig. 49a; See column 75, lines 12-16), the system comprising: a plurality of wireless access points in said network which receive wireless transmissions from said portable

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devices (Kubler disclosed a network of access points connected with each others to relay data among each others. See Fig. 49a; See column 75, lines 12-16); a processor for determining a location of a portable device based on transmissions received by any of said plurality of access points from said portable device (Kubler discloses the use of spanning tree algorithm to maintain current information regarding the general location of the connected mobile devices in the network. See fig. 14; See column 29, lines 42-48).

Regarding claim 25, Kubler disclosed the wireless access point has a wired connection to the network (Kubler disclosed network of wireless access points connected to each others and one of the access point wired to the network directly. See fig. 49a, block 4913).

Regarding claim 26, Kubler disclosed portable device comprises a wireless phone unit according to said determined location (Kubler described a network consisting of wireless access points connecting to variety of network devices including the wireless phone communicating with other devices within the LAN. See fig. 55a; See column 81, lines 5-30).

Regarding claim 27, Kubler disclosed a portable device could be a wireless phone unit that controls a voice mail feature according to said determined location (Kubler discussed voice mail features associated with the phone as part of the LAN. See column 96, lines 41-61).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3-7, 11, 14-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler.

Regarding claim 3 and 14, Kubler disclosed a wireless access point, which can be powered by either a battery or an AC (Alternating current) power (See column 74, lines 37-40).

Kubler, however, fails to expressly disclose the access point consisting of a power connector connecting to this power supply.

Official Notice is taken that the wireless access point must have a power connector. It would have been obvious to include the power connector to connect the access point to a power supply or to an AC power supply.

Regarding claim 4 and 15, Kubler, however, failed to specify the power connector is a pair of prongs for connection to a wall outlet.

Official Notice is taken that the AC power connector with a pair of prongs is a very standard AC connector used in the public. It would have been obvious to include a pair of prongs as the power connector to easily connect the wireless access point equipment to a widely available AC power sources available.

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Regarding claim 5 and 16, Kubler, however, failed to specify the power connector to be a threaded connector for connection to a light bulb socket as said power supply.

Official Notice is taken that the power connector to be a threaded connector. It would have been obvious to include a threaded connector as the power connector to easily connect to a widely available light bulb socket power sources available.

Regarding claim 6 and 17, Kubler, however, fails to specify the use of an alternate power source.

Official Notice is taken that an alternate power source can be implemented as a back-up or redundant power source. It would have been obvious to include a back-up or redundant power source to make the equipment more reliable in case the primary power supply fail.

Regarding claim 7 and 18, Kubler, however, fails to specify the alternate power source to be rechargeable and can be charged from the primary power source.

Official Notice is taken that an alternate power source can be rechargeable and can be charged from the primary power source. It would have been obvious to use a rechargeable back up or redundant power source in case the public available power source fail.

Regarding claim 11 and 22, Kubler, however, fails to specify that the access point equipment can be incorporated into any of the networking device.

Official Notice is taken that the access point equipment can be implemented in the same package with any of the networking device. It would have been obvious incorporate the access point equipment into the same package with any of the

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networking device to not only save physical space, but also adding functions into the existing device as an option.

9. Claim 8-9 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler in view of Durdik (U.S. 5,072,370).

Regarding claim 8 and 19, Kubler, however, failed to specify the use of a power-line modem connected to a power line to receive, transmit and relay signal among networked devices connected to the power line.

Durdik teaches the use of power line MODEM to transmit, receive and relay signals among connected network devices to the same power line (Durdik teaches the use of power line MODEM to modulate and demodulate signals coming to and coming from the power line into signals understood by the connected devices. See Fig. 2, block 78; see column 4, lines 46-54).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the Kubler's access point to include the power line MODEM, the motivation being that the access point will be able to communicate with all connected access points to the same power line.

Regarding claim 9 and 20, Kubler, however, fails to specify the use of power to the access point equipment coming directly from the connected power line.

Official Notice is taken that the power source to the access point can come directly from the connected power line. It would have been obvious for the access point equipment to use power coming directly from the connected power.

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10. Claim 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler in view of Bryan (U.S. 6,154,772).

Regarding claim 10 and 21, Kubler, however, failed to specify the implementation of test port used to test or configure the access point.

Bryan teaches the use of test port to test or configure the equipment (See column 21, lines 9-13).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the Kubler's access point to include the test ports, the motivation being that with the test port, users can access and test the access point without interrupting traffic to the line.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler in view of Portaro (U.S. 5,946,617).

Regarding claim 28, Kubler, however, failed to specify the portable device can be a wireless PDA (Personal digital assistant).

Portaro teaches portable devices can be the wireless PDA devices (See column 1, lines 52-53).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to understand that the portable device can be a PDA device, the motivation being that wireless portable devices shall at least include PDA devices.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Q. Le whose telephone number is 571-272-2246.

The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vi


RICKY NGO
PRIMARY EXAMINER